

**AUCTIONEER BOARD
MADISON, WISCONSIN
MONDAY, JULY 24, 2000**

PRESENT: Richard Lust and Marie Skic-Loy; Ronald Bast, Marie Kohlbeck, and Mark Shain by telephone

EXCUSED: Robert Brandau and Robert Massart

STAFF PRESENT: Clete Hansen (by telephone), Bill Dusso, Roxanne Peterson, and Jan Neitzel; Pam Haack, Jack Temby, and Joel Garb were present for portions of the meeting.

CALL TO ORDER

The meeting was called to order at 9:23 a.m. by Richard Lust, Chair, upon confirmation that the public notice was timely given. A quorum of 5 members was present.

AGENDA

One item was added to the agenda: item 9a, Robert Massart's upcoming end of term on the Board.

One item was moved: item 6, administrative rules, was moved for discussion after item 3, approval of minutes.

MOTION: Ron Bast moved, seconded by Mark Shain, to adopt the agenda as amended. Motion carried unanimously.

MINUTES (5/22/00)

MOTION: Marie Kohlbeck moved, seconded by Marie Skic-Loy, to approve the minutes as written. Motion carried unanimously.

ADMINISTRATIVE REPORT

Clete J. Hansen

- Roster

The Board received a copy of the July 2000 roster.

- Meeting Dates

The Board received a copy of the 2000 meeting dates. Noted.

Richard Lust explained the case screening process.

Clete Hansen noted that there will be no August meeting unless the proposed administrative rule changes need further discussion.

The Board discussed the 2001 meeting dates.

MOTION: Ron Bast moved, seconded by Marie Skic-Loy, to accept the 2001 meeting dates. Motion carried unanimously.

- Regulatory Digest

Clete Hansen discussed the August 2000 issue of the Regulatory Digest.

- Governor Appointments

The Board received a copy of the appointments of Richard Lust and Carl Theorin. Noted.

LEGISLATIVE UPDATE

Clete Hansen stated that he has advised Myra Shelton, Executive Assistant, that the Board passed a motion at the May 22, 2000, meeting to proceed with the previously submitted bill drafts, relating to 18 year olds and younger calling auctions and abbreviating "registered Wisconsin auctioneer."

ADMINISTRATIVE RULES-HEARING AT 9:15 A.M.

There were no verbal or written comments presented at the hearing.

Written comments will be accepted through August 7, 2000.

MOTION: Marie Skic-Loy moved, to wait until August 7, 2000, before the Board approves proceeding with the administrative rules.

Ms. Skic-Loy withdrew the motion.

The Board discussed proceeding with the administrative rules or waiting until August 7, 2000, when all written comments will be due.

MOTION: Mark Shain moved, seconded by Marie Skic-Loy, to proceed with the administrative rules and to only bring them back to the board if any changes are made to the draft following any written comments received through August 7, 2000. Motion carried unanimously.

MOTION: Mark Shain moved, seconded by Marie Kohlbeck, to close the hearing relating to Clearinghouse Rule 00-106. Motion carried unanimously.

Bill Dusso, Board Legal Counsel, explained the rule-making process.

The Board discussed the comments from the Rules Clearinghouse and the pros and cons of keeping the proposed rule in it's original form.

Interpretation of s. 480.08(7), Stats.

The Board discussed s. 480.08(7) Stats., and noted 2 (e) 1-6, the activities an auctioneer or auction company may not engage in during suspension or revocation.

MOTION: Mark Shain moved, seconded by Marie Skic-Loy, to proceed with the rule as drafted and not to make any changes to subdivision 2. Motion carried unanimously.

Auction-Related Services While Suspended or Revoked

The Board acknowledged that it can be more precise in disciplinary orders, regarding the auction-related services that the respondent can or cannot do while suspended or revoked.

Buyers Fee or Surcharge

Nothing to report.

TEMPORARY REGISTRATION STATISTICS

Roxanne Peterson, Administrative Assistant, explained that the temporary registration statistics list shows only the auctioneer's with temporary licenses. Ms. Peterson will try to get the number of auctioneer's who had a temporary registration and are now licensed.

The Board noted that presently an auctioneer can hold a temporary registration for one year. The Board would like to decrease the amount of time a temporary registration can be held and add a requirement that a permanent license must be obtained before the temporary license has expired.

MISCELLANEOUS INFORMATION/CORRESPONDENCE

Letter from The National Auctioneer License Law Officials Association

The board discussed the June 1, 2000, National Auctioneer License Law Officials Association (NALLOA) letter and the report of disciplinary actions from the states who are members of NALLOA.

Summary of License Laws of Other States

The Board received a copy of the June 1, 2000, NALLOA License Law Summary. Noted.

Correspondence with Dean George

Clete Hansen stated that Dean K. George has paid the cost assessment ordered by the Auctioneer Board and has met all of the conditions of the suspension. Dean George's suspension ended May 28, 2000.

Administrative Warnings

Clete Hansen stated that he will include information relating to administrative warnings in the next agenda packet.

NEW BUSINESS

Robert Massart

Mark Shain requested that a letter be sent at the appropriate time to Mr. Massart thanking him for his dedicated service to the auctioneer profession and Board

MOTION: Mark Shain moved, seconded by Ron Bast, that at the appropriate time, a letter of appreciation be sent to Robert Massart on behalf of the Auctioneer Board. Motion carried unanimously.

Clete Hansen will have an article in one of the next two issues of the Regulatory Digest relating to Mr. Massart.

Ethics Board

Bill Dusso stated that a board member must get approval from the Department if asked to be an “expert witness” due to possible conflict of interest. If a board member has served as an “expert witness” on a case that is introduced before a board, abstaining from any motions by that board member would be necessary.

PUBLIC COMMENTS

None.

RECESS TO CLOSED SESSION

MOTION: Marie Kohlbeck moved, seconded by Mark Shain, to convene the meeting in Closed Session pursuant to Sections 19.85(1)(a), (b), and (f), Wis. Stats., to consider the licensing or discipline of a person licensed by the Department or the investigation of charges against such a person. Specifically, to deliberate on a stipulation. Motion carried unanimously by a roll call vote: Ronald Bast-yes; Marie Kohlbeck-yes; Marie Skic-Loy-yes; Mark Shain-yes; Richard Lust-yes.

Open Session recessed at 10:39 a.m.

The Board deliberated on case closings and a stipulation.

ADJOURN CLOSED SESSION

MOTION: Marie Skic-Loy moved, seconded by Marie Kohlbeck, to adjourn the Closed Session and to reconvene in Open Session as publicly announced. Motion carried unanimously.

Closed Session adjourned at 10:54 a.m.

VOTING ON ITEMS CONSIDERED OR DELIBERATED UPON IN CLOSED SESSION

CASE CLOSINGS

MOTION: Marie Kohlbeck moved, seconded by Marie Skic-Loy, to close case **99 AUC 042** for P3 and to send the respondent a Close-Out Letter stating that the respondent does need to be advised of the need for a better job of clerking. Motion carried unanimously.

MOTION: Mark Shain moved, seconded by Marie Skic-Loy, to close case **99 AUC 038** for P5. Motion carried unanimously.

STIPULATIONS

Jacqueline Fife (Fond du Lac, WI)

MOTION: Marie Skic-Loy moved, seconded by Marie Kohlbeck, to accept the Stipulations, Findings of Fact, and Conclusions of Law and Order in the disciplinary matter involving Jacqueline Fife. Motion carried unanimously.

ADJOURNMENT

MOTION: Ron Bast moved to adjourn the meeting at 10:58 a.m. Motion carried unanimously.